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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,221	09/09/2003	Maurice W. Haff	P23849	8827
7055	7590	08/30/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HOFFMAN, BRANDON S	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,221	HAFF ET AL.	
	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-12-03/5-26-05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS's) submitted on December 12, 2003 and May 26, 2005, are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Specification

2. The disclosure is objected to because of the following informalities: the "CROSS-REFERENCES TO RELATED APPLICATIONS" section needs updated to reflect applications that have matured into patents. This is found on page 1 of the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Patent No. 6,061,796).

Regarding claims 1 and 21, Chen et al. teaches a file authentication requesting device/computer readable medium that stores a computer program for requesting authentication of files in digital systems, the device/medium comprising:

- A confirmation request system that generates a request for a confirmation receipt from a third party authenticator authenticating the attributes of a file (fig. 6, a first SMARTGATE VPN CLIENT and col. 11, lines 16-49);
- A transferring system that transfers attributes of at least one file to be authenticated to the third party authenticator from the device that requested the confirmation (fig. 6, SMARTGATE VPN SERVER and col. 11, lines 24-36); and
- A receiving system that receives the confirmation receipt comprising authenticated file attributes, after authentication by the third party authenticator (fig. 6, a second SMARTGATE VPN CLIENT and fig. 7, ref. num 107-109);
- Wherein, at least one file authentication is received from the third party authenticator (col. 9, lines 42-59).

Regarding claims 2 and 22, Chen et al. teaches in which the at least one file to be authenticated was received by the device as a file transfer from another device (col. 11, lines 23-25).

Regarding claims 3 and 23, Chen et al. teaches in which an identification of at least one of the [requesting] device or user of the [requesting] device is transferred along with attributes of the at last one file to be authenticated (col. 11, lines 4-7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-20 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent No. 6,061,796) in view of Baker et al. (U.S. Patent No. 5,812,666).

Regarding claims 6 and 16, Chen et al. teaches a file authentication processing device/computer readable medium that stores a computer program for processing requests for authentication of files in digital system, the device/medium comprising:

- A receiving system that transfers attributes of at least one file to be authenticated to the third party authenticator from the device that requested the confirmation (fig. 6, a second SMARTGATE VPN CLIENT and fig. 7, ref. num 107-109);
- A processing system that processes a confirmation receipt (fig. 6, SMARTGATE VPN SERVER and col. 11, lines 24-36);
- A sending system that sends the confirmation receipt comprising authenticated file attributes to the requesting device, after processing by the third party authenticator (fig. 6, a first SMARTGATE VPN CLIENT and col. 11, lines 16-49);
- Wherein, at least one file is authenticated by the third party authenticator (col. 9, lines 42-59).

Chen et al. does not teach the processing comprising a unique digital characterization of the file attributes, assuring at least in part tampering and modification detection.

Baker et al. teaches the processing comprising a unique digital characterization of the file attributes, assuring at least in part tampering and modification detection (col. 9, lines 33-36).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the processing comprising a unique digital characterization of the file attributes, as taught by Baker et al., with the device/medium of Chen et al. It would have been obvious for such modifications because detecting tampering assures that the data in used in the system has not been altered.

Regarding claims 11 and 26, Chen et al. teaches a file authentication system/method for authenticating files in digital systems, the system/method comprising:

- An originating file authentication device originating a request for a confirmation receipt from a third party authenticator, and transferring attributes of at least one file to be authenticated to the third party authenticator (fig. 6, a first SMARTGATE VPN CLIENT and col. 11, lines 16-49);

- A confirmation request processing device for processing a confirmation receipt by the third party authenticator (fig. 6, SMARTGATE VPN SERVER and col. 11, lines 24-36);
- A transferring device for transferring the confirmation receipt comprising authenticated file attributes, after processing by the third party authenticator, to the device that requested confirmation (fig. 6, a second SMARTGATE VPN CLIENT and fig. 7, ref. num 107-109);
- Wherein, the third party authenticator authenticates the attributes of the at least one file as requested by the device (col. 9, lines 42-59).

Chen et al. does not teach the processing comprising a unique digital characterization of the file attributes, assuring at least in part tampering and modification detection.

Baker et al. teaches the processing comprising a unique digital characterization of the file attributes, assuring at least in part tampering and modification detection (col. 9, lines 33-36).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the processing comprising a unique digital characterization of the file attributes, as taught by Baker et al., with the system/method

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of Chen et al. It would have been obvious for such modifications because detecting tampering assures that the data in used in the system has not been altered.

Regarding claim 27, Chen et al. as modified by Baker et al. teaches in which the at least one file to be authenticated was received by the device as a file transfer from another device (see col. 11, lines 23-25 of Chen et al.).

Regarding claims 7, 12, 17, and 28, Chen et al. as modified by Baker et al. teaches in which an identification of at least one of the [requesting] device or user of the [requesting] device is transferred along with attributes of the at last one file to be authenticated (see col. 11, lines 23-25 of Chen et al.).

Regarding claims 4, 8, 13, 18, 24, and 29, Chen et al. as modified by Baker et al. teaches in which the authentication comprises digitally signing the confirmation receipt (see col. 7, lines 50-52 of Baker et al.).

Regarding claims 5, 10, 15, 20, 25, and 31, Chen et al. as modified by Baker et al. teaches in which the authentication comprises a unique digital characterization of file attributes by a postal authority (see col. 2, lines 1-9 of Baker et al.).

Regarding claims 9, 14, 19, and 30, Chen et al. as modified by Baker et al. teaches in which the confirmation receipt incorporates at least the date and time of

authentication, and an identification of at least the requesting device (see col. 17, lines 12-15 of Baker et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon S. Hoffman

BH

NASSER MOAZZAMI
PRIMARY EXAMINER

Nasser Moazzami